U.S. DISTRICT COURT
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## **ORDER**

After making an independent review of the pleadings, files, and records in this case, and the Findings, Conclusions, and Recommendations of the United States Magistrate Judge, I am of the opinion that the Findings, Conclusions, and Recommendations of the Magistrate Judge are correct and are adopted as the Findings and Conclusions of the Court.

It is therefore ORDERED that the Findings, Conclusions, and Recommendations of the United States Magistrate Judge are adopted. Accordingly, Plaintiff's *Motion for Summary Judgment* is **DENIED**, and Defendant's *Motion for Summary Judgment* is **GRANTED**.

SO ORDERED, this 28 H day of March , 2005.

JORGE A. SOLIS

UNITED STATES DISTRICT JUDGE